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In re:

INTERVIEWS OF IWD DRIVERS

* * *

Sworn statement of W. THOMAS JOHNSON, Witness
herein, called by Waste Management of North America,
Inc. for examination pursuant to the Rules of Civil
Procedure, taken before me, Caryl L. Blevins, a Notary
Public in and for the State of Ohio, at the offices of
Industrial Waste Disposal, 3975 Wagner-Ford Road,
Dayton, Ohio, on Monday, the 1st day of March, 1993,
at 1:35 o'clock p.m.

* * *

1 APPEARANCES:

2 On behalf of Waste Management of North America,
3 Inc.:4 By: Meg Briarton
5 Paralegal
6 Mideast Region
7 17250 Newburgh Road
8 Livonia, Michigan 48152

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1 W. THOMAS JOHNSON
2 of lawful age, Witness herein, having been first duly
3 cautioned and sworn, as hereinafter certified, was
4 examined and said as follows:

5 EXAMINATION

6 BY-MS. BRIARTON:

7 Q. Would you please state your name and
8 address and age?

9 A. William Thomas Johnson, 204 Winchester
10 Street, New Carlisle, and I'm fifty.

11 Q. The information I have from the seniority
12 list indicates that you started in 1965; is that --

13 A. Yeah. That was the first round. Then I
14 quit, went to work in South Carolina.

15 Q. Let's start from the beginning. First of
16 all, before you started with Danis --

17 A. Uh-hum.

18 Q. -- did you work for anyone else in the
19 waste industry?

20 A. Blaylock.

21 Q. You worked for Blaylock?

22 A. Uh-hum.

23 Q. And when did you start with -- that was for
24 Louie Blaylock?

25 A. Yes, uh-hum, yeah.

1 Q. And when did you start with him?

2 A. Oh, goodness. Well, let's see. I guess we
3 could go back, because --

4 Q. Let's try.

5 A. I started with King's Waste Removal.

6 Q. Oh, did you?

7 (Thereupon, the Notary interrupted the
8 proceedings.)

9 Q. So you started with King Waste Removal?

10 A. Uh-hum.

11 Q. And that was with John Papp?

12 A. Uh-hum.

13 Q. Right?

14 A. Yes.

15 Q. And when approximately did you start with
16 King?

17 A. Probably 1967, I believe.

18 Q. But I have your seniority date with Danis
19 as '65.

20 A. '65?

21 Q. Yes. Is that not right?

22 A. I don't think it is.

23 Q. Well, let's go through this. So you
24 started with King --

25 A. Yeah. Because I didn't start -- they may

1 have that wrong. It may be '75.

2 Q. So you started with King. All right. Now,
3 how long were you with King?

4 A. Oh, approximately -- because he sold out to
5 Blaylock.

6 Q. Uh-hum.

7 A. Oh, gosh, I'd say probably for nine years.

8 Q. You were with King?

9 A. Yeah. But it was -- like I say, it was
10 sold over to Blaylock, so --

11 Q. And you stayed on?

12 A. And I stayed with it, yeah.

13 Q. So approximately nine years. You stayed on
14 with Blaylock after he bought King?

15 A. Uh-hum.

16 Q. Then you stayed on with Blaylock through
17 the Danis acquisition?

18 A. No. I quit.

19 Q. You quit?

20 A. Yeah.

21 Q. Do you recall what year?

22 A. I don't.

23 Q. Would that have been in the mid '70's or
24 something maybe?

25 A. Probably around '70 -- maybe '73, something

1 like that.

2 Q. So you quit. Were you still in the waste
3 industry or --

4 A. No. No. No.

5 Q. So you quit around '73, and then when did
6 you return?

7 A. Well, I came back to IWD, and I think it
8 was '75. Let's see. Yeah. It was probably somewhere
9 around there. Let's see. '75, and then I worked till
10 1980, I think, and then I quit and went to Colorado
11 for --

12 Q. Then you quit around 1980 and --

13 A. Yeah.

14 Q. -- went to Colorado? Okay. And then what?

15 A. Then I went to South Carolina and worked a
16 while and then I worked for a company down there
17 called Container Corporation of Carolina.

18 Q. Oh.

19 A. It was driving a front loader.

20 Q. Wait a minute. Container -- say that
21 again. Container Corporation --

22 A. Of Carolina.

23 Q. And that was front end?

24 A. Yes, uh-hum.

25 Q. And how long were you down there?

1 A. Let's see. Approximately three years.

2 Q. How long were you out in Colorado?

3 A. Just about a year.

4 Q. About a year?

5 A. Yeah. Uh-hum.

6 Q. So you returned about 1984 or '85, is that
7 correct? After you left Carolina, what happened after
8 that?

9 A. Then I came right straight to work here.

10 Q. Came to IWD?

11 A. The dates, probably -- I don't know how
12 close they are or anything like that, see.

13 Q. Well, just kind of give me a rough idea.

14 A. That's what I've done, but --

15 Q. And then you have been here ever since?

16 A. Yes, uh-hum.

17 Q. Let me go back briefly, then, and kind of
18 recap this. You started around '67 with King Waste
19 Removal approximately?

20 A. Uh-hum.

21 Q. And you were a driver; is that correct?

22 A. Yes.

23 Q. What kind of driver?

24 A. Rear loader.

25 Q. Rear?

1 A. Uh-hum.

2 Q. You did residential?

3 A. Yes.

4 Q. Is that all you did, just a few trucks --

5 A. Yeah. With King's, I drove the residential
6 and also the front loader. That's where I started out
7 driving front loader.

8 Q. So you did front end and rear?

9 A. Yes.

10 Q. Do you happen to recall at that point in
11 time when you first started working for King where you
12 hauled your waste to generally?

13 A. Well, let's see. There was a --

14 Q. I don't know if this will help you, but we
15 have a little map of the landfills (indicating).

16 A. The West Dorothy Lane landfill.

17 Q. West Dorothy Lane?

18 A. Uh-hum.

19 Q. Is that the same thing as the Dorothy Lane
20 landfill? Is that considered the same thing? Which
21 would be down --

22 A. Probably, yeah.

23 Q. -- right off of -- what is that,
24 Springboro? Somewhere around Springboro? Is that
25 it?

1 A. Yeah.

2 Q. So that would be --

3 A. Yeah. That would be the Dorothy Lane
4 landfill is where that was, West Dorothy Lane,
5 uh-hum.

6 Q. That's where you dumped?

7 A. Uh-hum.

8 Q. So that's front end and rear end?

9 A. Yes.

10 Q. Do you recall anywhere else? Because I
11 know that was before the incinerators were open.

12 A. I know when I was at Blaylock -- I don't
13 remember if I dumped anywhere else at King's or not,
14 but I know I did go to Cardington Road with Blaylock
15 at times.

16 Q. We're getting up there. And with Blaylock,
17 you were what type of driver?

18 A. I drove front loader and residential.

19 Q. Front and rear end?

20 A. Yes. Uh-hum.

21 Q. And you dumped at Cardington?

22 A. Yeah.

23 Q. And that would have been pretty close to
24 the time the incinerators opened. Did you also go to
25 the incinerators?

1 A. Yeah. I was -- fact is, I was still
2 driving when the incinerators opened, yeah.

3 Q. So Cardington, the incinerators. Anywhere
4 else, such as Powell or Valleycrest, to your
5 recollection or --

6 A. We dumped at Powell Road with IWD.

7 Q. With Blaylock? I'm still working on
8 Blaylock.

9 A. Okay. With Blaylock, I don't recall
10 dumping anywhere else.

11 Q. Just Cardington and the incinerators?

12 A. The incinerator and Cardington, yeah.

13 Q. So then you quit, you came back to IWD from
14 about 1975 to roughly 1980. So this --

15 A. Uh-hum.

16 Q. When you were with IWD, were you a -- what
17 type of truck did you drive?

18 A. Front loader.

19 Q. Front load?

20 A. Uh-hum.

21 Q. And again, do you have any -- from about
22 '75 -- now, Valleycrest closed about '75. Okay?

23 A. Yeah.

24 Q. Cardington Road was open from about 1970 to
25 1980, so there's an overlap there, and then Powell

1 Road was open that entire period?

2 A. I never did dump in Valleycrest.

3 Q. Never dumped in Valleycrest?

4 A. No. I don't even know where it's at.

5 Q. So when you were driving front load or
6 front end between '75 and '80, do you recall where you
7 may have dumped at generally with IWD? I mean, did
8 you have a route number? Do you recall having a
9 route?

10 A. Well, I drove up in Springfield on a front
11 loader, and it's all been in that Tremont landfill.

12 Q. Oh, okay.

13 A. And then I drove down here also and I
14 dumped in Powell Road and the incinerators also.

15 Q. This is between like maybe '75 and '80?

16 A. Yeah, I believe that --

17 Q. So the incinerators, Powell Road, Tremont?

18 A. Uh-hum.

19 Q. What about Cardington?

20 A. Okay. I did. Yeah, I did dump down there.

21 Q. Same period of time roughly?

22 A. I believe so, yes.

23 Q. Then you quit and then you left again and
24 then you came back around '84, '85, at which point in
25 time Powell Road, we know, was closed.

1 A. Yeah. '85 was my restart date again.

2 Q. All right. You never dumped in

3 Valleycrest?

4 A. No.

5 Q. Even working for King or Blaylock?

6 A. No. Huh-um. Not to my knowledge, I

7 haven't.

8 Q. While you were driving these front end
9 loads, if you were diverted from the incinerators, it
10 probably would have been to, again, some of the
11 landfills you mentioned such as Cardington or
12 Powell --

13 A. Uh-hum.

14 Q. -- if you were diverted? Is that --

15 A. Yeah. But I don't know. Probably would
16 have been one of them, but I couldn't even begin to
17 tell you which one it would have been.

18 Q. It probably depended on your geographic
19 location, where the customer was located?

20 A. Uh-hum.

21 Q. Did you generally haul or frequently haul
22 to the closest?

23 A. Most generally, yeah.

24 Q. Let me run through a couple other names
25 with you and see if these are familiar, and if you can

1 remember them, fine. If you have never been there,
2 that's fine. Okay? We'll just go through this. Now,
3 how about the Springfield landfill?

4 A. That would be -- wouldn't that be Tremont?

5 Q. Well, I understand they're not exactly the
6 same thing, that there was a City of Tremont landfill
7 and there was Springfield; is that --

8 A. Gosh, I've never been to the --

9 Q. No?

10 A. I don't think I've ever been to Springfield
11 landfill. Huh-um.

12 Q. All right. You said Dorothy Lane. How
13 about Black Clawson in Franklin?

14 A. Huh-um.

15 Q. No? Hilltop? Hilltop Concrete?

16 A. What? Hauling out of these places? Is
17 that what you --

18 Q. I mean do you recall hauling anything
19 there?

20 A. No. Huh-um.

21 Q. All right. How about Vance, Vance Road?

22 A. No. I don't think I did. I don't think I
23 did back then, huh-um.

24 Q. How about -- isn't there one called Groves?

25 A. I have recently, you know.

1 Q. Okay.

2 A. I never did -- I don't -- I can't say that
3 I remember hauling anything into Groves.

4 Q. If you don't remember and if you're not
5 sure, that's okay.

6 A. Yeah.

7 Q. That's all right. We're just trying to ask
8 kind of so we only have to go through this process
9 once. Okay. Now, as far as records go when you were
10 working for these entities, I don't think we'd have
11 anything for King or even for Blaylock, but generally
12 record keeping practices when you were with IWD, did
13 you generally keep a route sheet when you were on the
14 front end and indicate your pickups and that sort of
15 thing? We've seen sheets called like a driver's daily
16 report or something like that, and they indicate the
17 different stops or something like that or --

18 A. Yeah.

19 Q. Go ahead. I'm sorry.

20 A. They just had the regular route sheets with
21 the stops on it, and that's what I followed, so --

22 Q. And did you receive tickets from the
23 landfills indicating --

24 A. Probably, more than likely.

25 Q. Where it was dumped, they would issue you a

1 ticket?

2 A. Uh-hum.

3 Q. Do you recall very many -- or on any
4 occasions where customers that you hauled for
5 designated or directed you to certain landfills where
6 you were to dump your waste?

7 A. Not really.

8 Q. No?

9 A. Huh-um.

10 Q. So it was generally your choice based on a
11 geographic --

12 A. Mainly what I was told to haul was just
13 trash, you know, and like you say, it was where I was
14 at, I would mainly go to that location to dump.

15 Q. Well, you never hauled to Valleycrest, and
16 so I'm going to skip some of those. Well, let me run
17 some of these names by you anyway and see what you
18 think, if you recall them.

19 We have some invoices that we found issued
20 by north sanitary landfill for 1971 and '72. At that
21 time they referred to them as sites one, two, and
22 three. I'm sure you have never seen any of these but
23 I'll just show you what I'm talking about
24 (indicating).

25 We know that site two was the Springfield

1 facility, and we know that site three -- again, these
2 are all Danis -- was Hilltop, and the only one we're
3 not sure about is site one, which we think could be
4 Cardington or Valleycrest, but since you worked for
5 Blaylock, you might be familiar with some of these as
6 well. Okay?

7 A. Uh-hum.

8 Q. What I did is I pulled or extracted a lot
9 of names from these invoices, and I'll run through
10 them and see if you're familiar with them. Okay?

11 A. Uh-hum.

12 Q. I'll try to make this short and sweet so it
13 doesn't take all day. Okay. We'll start here. Do
14 you ever recall hauling anything for GM/Inland at all?

15 A. Yeah. Up on --

16 Q. GM/Inland Division?

17 A. Yeah. I'm trying to -- up on West Third
18 Street. I hauled --

19 Q. But this is back -- do you remember the
20 time period? I mean, this was --

21 A. Yeah. That was the first round when I
22 started in '75 to --

23 Q. '75 to '80 with IWD?

24 A. Yeah. Uh-hum.

25 Q. What I'm looking for is to find out whether

1 you're familiar, if you've hauled for this entity,
2 and, if so, what time period. Okay?

3 A. Uh-hum.

4 Q. And then where you may have taken the waste
5 and, if so, what type of waste. So that's kind of
6 what I'm looking for.

7 A. Out of here I just hauled regular trash,
8 trash cans that they had.

9 Q. Do you recall where you might have hauled
10 that in the '75 to '80 period?

11 A. Seems like it was the incinerator I took it
12 to, but I'm not real sure, but it seems like it was.

13 Q. And you may have been diverted possibly; if
14 you were diverted, you might have gone to the
15 landfill?

16 A. Yeah.

17 Q. How about Williams Brothers Roofing?

18 A. No. I don't remember that.

19 Q. All right. Home Builders & Modernizers?

20 A. Huh-um.

21 Q. Schriber Sheet Metal?

22 A. See, I hauled for Schriber's. That's --

23 Q. I think a lot of these are construction.

24 A. Yeah. I don't think I hauled for the sheet
25 metal, but the --

1 Q. Abco Construction?

2 A. Huh-um.

3 Q. Children's Medical Center?

4 A. Yeah. I've hauled out of there to the
5 incinerator.

6 Q. To the incinerator?

7 A. Uh-hum.

8 Q. Nu-Way Container?

9 A. No.

10 Q. C. Johnson? Was it a general contractor?

11 A. I don't recall.

12 Q. Frank Messer & Sons, again, a contractor.

13 A. No. Huh-um.

14 Q. Southern Ohio Drywall?

15 A. (Witness shaking head from side to side.)

16 Q. No?

17 A. Huh-um.

18 Q. J.H. Knake?

19 A. No. Huh-um.

20 Q. Weimer or Weimer Corporation?

21 A. (No response.)

22 (Thereupon, the Notary interrupted the
23 proceedings.)

24 THE WITNESS: Oh, okay. I'm sorry.

25 Q. Weimer Corp.?

1 A. No.

2 Q. C & N Industrial Maintenance?

3 A. No. Huh-um.

4 Q. That's all right. If you don't remember,
5 that's fine.

6 A. Okay.

7 Q. American Construction?

8 A. No.

9 Q. No?

10 A. Huh-um.

11 Q. Charles Shook? I think he's also
12 construction.

13 A. I've hauled for Shook before, but I don't
14 remember where they was at or anything like that.

15 Q. Let's see. These are small. Adrian
16 Construction?

17 A. No. Huh-um.

18 Q. All right. Hughes-Bechtol?

19 A. Pardon?

20 Q. Hughes-Bechtol?

21 A. No. Huh-um.

22 Q. Loraine Construction?

23 A. No.

24 Q. Henry Stock & Son?

25 A. No. I don't remember.

1 Q. A.R.S. Builders?

2 A. No. Are these supposed to be recent or --

3 Q. No. These are old. These are old.

4 A. That's what I was wondering.

5 Q. Well, I know it's a long time ago.

6 A. Oh, gosh, ma'am, my memory is just --

7 Q. That's okay. That's all right.

8 A. It's not what it used to be.

9 Q. That's all right. We're not sure exactly
10 where this went, and so that's why we're asking, and
11 it's perfectly fine if you don't recall, or maybe you
12 didn't even work with these companies. How about --
13 did I say Enterprise Roofing?

14 A. Yeah. I've never hauled for them.

15 Q. Korrekt Plumbing?

16 A. No.

17 Q. Carey Paving?

18 A. No.

19 Q. Price Brothers?

20 A. Yeah. I've hauled -- let's see. I've
21 hauled for them. I'm trying to think where I took the
22 load. I'm sure it was the landfill.

23 Q. I understand it was construction probably?

24 A. Well, they've got a Price Brothers over
25 here that makes these tiles, and that -- I've hauled

1 out of there, but I can't remember where in the world
2 we took it, though.

3 Q. That's all right. Leviton Construction? .

4 A. No. Huh-um.

5 Q. Hillsmith & Company?

6 A. No.

7 Q. Creative Construction?

8 A. No.

9 Q. Ray Kline & Son?

10 A. No. Huh-um.

11 Q. Muth Brothers?

12 A. I have, but I don't remember. I've hauled
13 out of there off of Second Street, but I don't
14 remember where I took it.

15 Q. Gunn Construction?

16 A. No.

17 Q. Turner Construction?

18 A. Huh-um. No.

19 Q. Well, let's try a few Powell Roads. Maybe
20 we'll have more luck. All right. Can you recall any
21 customers off the top of your head that you know went
22 to Powell Road or some of the --

23 A. No, I can't.

24 Q. No? Nothing at all?

25 A. No. I'm sorry. You know, it --

1 Q. That's okay. That's all right.

2 A. -- makes me feel old sitting here again.
3 Can't remember nothing, I'll tell you. Oh, goodness.

4 Q. We'll run through a few Powell Road
5 customers with you, see if they ring any bells. How
6 about American Lubricants?

7 A. Yeah. I've hauled just, I think, a couple
8 loads out of there.

9 (Thereupon, the Notary interrupted the
10 proceedings.)

11 THE WITNESS: I'm sorry. I was kind of
12 mumbling there for a minute.

13 Q. That's all right. Now, again, these are
14 companies we know -- it's our understanding some of
15 their waste has gone to Powell Road. So maybe you can
16 think in those terms. If you hauled for American
17 Lubricants, are you thinking incinerator or landfill?
18 Or if you just don't remember, that's fine.

19 A. It's -- I tell you, it -- I don't know.
20 Like I say, it was probably the landfill, but, you
21 know, I couldn't swear to it or anything like that.

22 Q. That's fine. How about Angel
23 Manufacturing?

24 A. No. I've never even heard of them.

25 Q. Brainard Industries?

1 A. No. Huh-um.

2 Q. Let's skip them. I know they're out of
3 business. Capitol Cleaners?

4 A. Gosh. No. Huh-um.

5 Q. Chrysler?

6 A. Yeah. I hauled out of Chrysler, uh-hum.

7 Q. Do you recall where you hauled and what
8 time period?

9 A. Oh, goodness. Well, we haul out of there
10 now, and it goes to the incinerator, but this was --
11 the last time I hauled other than this round here was
12 probably in -- during the '70's, '80's, something like
13 that.

14 Q. Do you have any idea where you might have
15 hauled Chrysler waste at that time?

16 A. Gosh, I'll tell you, I know I'm not being
17 much help to you. My memory's not --

18 Q. That's okay. That's all right.

19 A. I'll tell you, I have a hard time with my
20 memory, I do, a real hard time.

21 Q. That's okay. It's okay. Don't apologize.
22 It's all right. How about Coca-Cola?

23 A. I believe we hauled it through the -- gosh,
24 I pulled that Coke plant down there, and I -- seems
25 like it's been in the incinerator.

1 Q. How about DAP, D A P?

2 A. Yeah. That -- it went to Pinnacle Road
3 whenever I hauled it.

4 Q. Are you talking in recent years or --

5 A. When I worked here the first time, they had
6 DAP Corporation, and I was working second shift and I
7 think we hauled it.

8 Q. I'm trying to remember when Pinnacle --
9 I'll have to check when Pinnacle opened. Okay.
10 Dayton Power & Light?

11 A. I've hauled that one, too, but I can't
12 remember where I hauled it to.

13 Q. How about Dayton Tire & Rubber?

14 A. Seems like that was Pinnacle Road, too. A
15 lot of these things I worked on night shift and I know
16 that I hauled a few of them or quite a few to Pinnacle
17 Road because they was basically -- they stayed open
18 till 11:00 at night, see.

19 Q. Are you talking about the early days of
20 Pinnacle Road when Pinnacle just opened?

21 A. Yeah. The first time I was here. Not
22 after '85, but before '85.

23 Q. Oh, between '75 and '80?

24 A. Yeah. Uh-hum.

25 (Thereupon, an off-the-record

1 discussion was had.)

2 Q. Well, I think we're just about ready to
3 wrap this up. Has anyone else ever contacted you
4 regarding Valleycrest or Powell Road or other places
5 that you might have dumped?

6 A. No. Huh-um.

7 Q. Oh, also, when you worked for Blaylock, did
8 you work for Louie Blaylock at that time, do you
9 recall?

10 A. Yeah. Yeah. He -- Johnny Papp was the
11 general manager there, but, yeah.

12 Q. Was he?

13 A. Yeah.

14 Q. At IWD, do you recall who your general
15 manager was when you worked there from about '75 to
16 '80?

17 A. Well, Ed Jackson was the general manager.

18 Q. Ed Jackson?

19 A. Yeah. Uh-hum.

20 Q. And Ray Davis was probably in sales, I bet?

21 A. Uh-hum.

22 MS. BRIARTON: Okay, Tom. That's it.
23 We're done.

24 (Thereupon, the statement was concluded
25 at 2:10 o'clock p.m.)

1 I, W. THOMAS JOHNSON, do hereby certify that
2 the foregoing is a true and accurate transcription of
3 my testimony.

4
5
6 William T. Johnson

7
8 Dated

4-19-93

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Caryl L. Blevins, a Notary Public within and
4 for the State of Ohio, duly commissioned and
5 qualified,

6 DO HEREBY CERTIFY that the above-named
7 W. THOMAS JOHNSON, was by me first duly sworn to
8 testify the truth, the whole truth and nothing but the
9 truth; that said testimony was reduced to writing by
10 me stenographically in the presence of the witness and
11 thereafter reduced to typewriting.

12 I FURTHER CERTIFY that I am not a relative or
13 Attorney of either party nor in any manner interested
14 in the event of this action.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 and seal of office at Dayton, Ohio, on this
17 16th day of March, 1993.

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Caryl L. Blevins / Kai
CARYL L. BLEVINS
NOTARY PUBLIC, STATE OF OHIO
My commission expires 7-16-93